



Development of Amendments to Rule 327 IAC 4-1 Concerning Sewer Bans

LSA Document #06-96

Overview

Rule 327 IAC 4-1 gives the Commissioner of IDEM authority to limit new connections to wastewater treatment plants that are hydraulically or organically overloaded. These amendments to the rule grant the Commissioner authority to issue a sewer connection ban when a wastewater treatment plant is found to be discharging insufficiently treated wastewater as a result of poor operation and maintenance.

This rulemaking also corrects minor corrections to rule language and definitions.

Citations Affected

Amends 327 IAC 4-1-1, 327 IAC 4-1-2, 327 IAC 4-1-3, 327 IAC 4-1-4, 327 IAC 4-1-6, and 327 IAC 4-1-7.

Affected Persons

Wastewater Treatment Facilities

Reason(s) for the Rule

This rulemaking is an outcome of recommendations by a workgroup formed in response to a petition by the Save Our Knobs (SOK) and Greenville Concerned Citizens (GCC) organizations. Public hearings resulted in a recommendation by the Water Pollution Control Board that IDEM would initiate a rulemaking concerning the operation, maintenance, and management practices for small wastewater treatment plants.

Economic Impact of the Rule

There is no anticipated fiscal impact to this rule. If a sewer connection ban has been imposed, in order for a facility to be released from the sewer ban, the facility will be required to improve operation and/or maintenance deficiencies as required by the already existing regulations.

Benefits of the Rule

The rule as modified is expected to prevent additional pollution of streams by poorly operating treatment facilities by preventing new sewer connections to those facilities.

Description of the Rulemaking Project

Rule 327 IAC 4-1 is being amended to give the Commissioner of IDEM: authority to limit new connections to wastewater treatment plants that are hydraulically, or organically, overloaded; and the authority to issue a sewer connection ban when a wastewater treatment plant is found to be discharging insufficiently treated wastewater as a result of poor operation and maintenance.

Scheduled Hearings

First Public Hearing: April 11, 2007, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana.

Second Public Hearing: June 13, 2007, at the City-County Building, Omni Room-Room 250, One East Main Street, Fort Wayne, Indiana.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or

reducing any particular type of pollution.

(7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

- (A) human, plant animal, or aquatic life; or
- (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal guidance.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the department's responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule is reviewed for form and legality by the Attorney General, signed by the Governor, and becomes effective 30 days after filing with the Legislative Services.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Michelle Reeves, Rules/Regulatory Development Section, Office of Water Quality, (317) 233-8587 or (800) 451-6027 (in Indiana).